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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,177	01/29/2001	Timothy J. Young	10030	9720

7590 12/11/2003

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EXAMINER	
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ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 12/11/2003

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 14

Application Number: 09/772,177
Filing Date: January 29, 2001
Appellant(s): YOUNG ET AL.

Kathleen K. Bowen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 21, 2003, and amended appeal brief filed September 22, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: the 35 U.S.C. rejection of claims 1 and 8 as anticipated by Morse et al (US 3,608,796) has been withdrawn.

(7) Grouping of Claims

The rejection of claims 1 and 2 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 1 and 8 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 9 and 16 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 17 and 18 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

3,913,813	Morse	10-1975
5,659,851	Moe et al.	08-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9 and 16-18 rejected under 35 U.S.C. 102(b) as being anticipated by Moe et al. (US 5,659,851).

In regards to claims 1 and 17, Moe et al. shows the Applicant's claimed invention, specifically a web tracking apparatus 10 and a method of web tracking adjustment, for guiding a moving web/photoconductor loop 12 in a predetermined path of travel to a stationary frame 84, as explained in column 7, on lines 6-8, comprising:

biasing steering roller 14 in a gimbal direction, that is, about gimbal axis 56, by means of flat springs 80; and

adjusting the bias to through disc tensioning disc 94 and spring 88 to achieve desired tracking.

As explained in column 6, lines 65-67, and column 7, lines 1-5, the flat springs 80 are biased against extending members 82 of the carriage 70 that controls the steering roller 14. The flat springs 80 resist the pivoting of the carriage 70 and the steering roller 14 about the gimbal axis 56, thereby restoring the carriage to a set position of the gimbal axis 56. As the spring 88 is compressed by disc 94, it biases the carriage pin 78, along with extending members 82 towards the steering roller 14, thus moving the extending members further along the cantilevered flat spring 80. The bias applied by springs 80 is a function of the location where they engage members 82, thereby adjusting the bias to achieve the desire tracking.

In regards to claims 2 and 18, Moe et al. shows the steering roller 14 has lateral constraints 61A, 62A, as seen in Figure 5 and explained in column 6, lines 18-21.

In regards to claim 9, Moe et al. shows the Applicant's claimed invention, specifically a web tracking apparatus 10, for guiding a moving web/photoconductor loop 12 in a predetermined path of travel to a stationary frame 84, as explained in column 7, on lines 6-8, comprising:

biasing steering roller 14 in a gimbal direction, that is, about gimbal axis 56, by means of flat springs 80;

adjusting the bias to through disc tensioning disc 94 and spring 88 to achieve desired tracking; and

lateral constraints 61A, 62A, as seen in Figure 5 and explained in column 6, lines 18-21. Support for the rejection of claim 9 is explained above.

In regards to claim 16, Moe et al. shows a flat springs 80 that not only bias the roller 14 in the gimbal direction (about the gimbal axis 56), but also prevent the roller 14 from rotating too far in the gimbal direction.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Morse (US 3,913,813).

In regards to claim 1, Morse shows the Applicant's claimed invention, specifically a web tracking apparatus and a method of web tracking adjustment, for guiding a moving web 15 in a predetermined path of travel to a stationary frame 53, comprising:

biasing steering roller 11 in a gimbal direction, that is, about gimbal axis 20, by means of constraining arm 60, as explained in column 6, on lines 15-20; and

adjusting the bias through screw assembly 72, as explained in column 6, on lines 20-36.

In regards to claim 8, Morse shows the steering roller 11 mounted to stationary frame 53 in a manner to allow the roller 11 to pivot about the cast axis 30, as explained in column 6, on lines 15-20.

As explained by Morse in column 6, lines 15-36, the adjusting assembly reduces the degree of freedom of movement of the roller 11 so that is only able to pivot about the gimbal axis 20 and caster axis 30.

(11) Response to Argument

In response to the Applicant's argument on lines 13-17 of page 5 that the Examiner's construction of Moe et al. is in error, Moe et al. shows the axis 56 is the gimbal axis, the gimabal direction is the rotation about the gimbal axis 56, the axis 56 is referred to as the steering axis by Moe et al.

In response to the Applicant's argument on lines 17-20 of page 5 that Moe et al. does not show springs 80 to cause a bias, it is pointed out that the flat springs 80 will cause a biasing force against the extending members to bias the roller 14 to the desired position, thus restoring the carriage 70 to a particular position on the gimabal axis 56.

Applicant further argues that the Examiner has not shown how means for adjusting (94)(96) adjust the bias to achieve desired tracking on lines 21+ of page 5. Moe et al. explains in column 8, lines 35-42, the tension disc 94 rotates around pin 90 to compress coil spring 88. As the spring 88 is compressed by disc 94, it biases the carriage pin 78, along with extending members 82 towards the steering roller 14, thus moving the extending members further along the cantilevered flat spring 80. The bias applied by springs 80 is a function of the location where they engage member 82, thereby adjusting the bias to achieve the desire tracking.

In regards to claims 2 and 18, the Applicant argues on lines 7-10 of page 6 that the restraints 61A, 62A do not allow the web to ride against the lateral restraints without damaging the web, However, Moe et al. explains the restraints are cone shaped having a larger diameter gradually extending away from the roller 14 on either side, allowing the web to ride against the lateral constraint without damaging the web. Applicant has provided no line of reasoning as to why the noted elements do not comprise "a lateral constraint."

In response to the Applicant's argument on lines 28-30 of page 6 and 1-3 on page 7 that the Examiner's construction of Morse is in error, Morse shows the axis 20 is the gimbal axis, the gimabal direction is the rotation about the gimbal axis 20, the axis 20 is referred to as the gimbal axis by Morse.

Applicant further argues on lines 3-10 of page 7 that Morse does not bias the steering roller in the gimbal direction and further disclose a means for adjusting this bias. As noted above, Morse page Column 6, lines 15-37 teaches the constraining arm 60 mechanically connected to the roller 11 and yoke 71. The constraining arm is provided to reduce the pivotal movement of the roller about the gimabal axis, thereby biasing the roller to achieve the desired tracking. As noted, the free end of arm 60 is connected to yoke 71, and the screw assembly 72 of the yoke 71 is used to adjust the position of the arm 60, thereby adjusting the bias of the arm 60 against the roller 11 in the gimbal direction.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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December 8, 2003

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